

REMARKS

A Petition for Extension of Time (one month) is being filed concurrently herewith.

Reconsideration of presently solicited Claims 1 to 12, and 14 to 22 respectfully is requested. Composition Claims 1 to 7 and 14 to 18 previously were allowed. Method Claims 8 to 12 and 19 to 22 are withdrawn but are eligible to be rejoined with the allowed composition claims.

M.P.E.P. § 821.04 states:

Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or process. See MPEP § 806.05(f) and § 806.05(h). The claims to the nonelected invention will be withdrawn from further consideration under 37 CFR 1.142. ... However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined. (Emphasis added).

Claim 8 recites a process that has all of the features of claim 1, which is directed to a product. According to M.P.E.P. § 821.04, once claim 1 is found to be allowable, claim 8 should be rejoined. Claims 9 to 12 and 19 to 22 depend from claim 8 and, accordingly, should also be rejoined. The possibility to rejoin these claims was confirmed during an April 26, 2006 telephone discussion with the Examiner.

Claims 13 and 23 to 25 that were rejected are being canceled without prejudice in an effort to expedite prosecution. Applicants reserve the right to claim further aspects of their contribution in a timely filed Continuation Application.

If there is any remaining point that requires clarification prior to the allowance of the Application, the Examiner is urged to telephone the undersigned attorney so that the matter can be expeditiously resolved.

Respectfully submitted,

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FROM BURNS DOANE SWECKER & MATHIS)

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By: _____



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